

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

"JOHN DOE",

Plaintiff,

Index No: 713970/2019

- against -

**SUMMONS**ST. FRANCIS PREPARATORY SCHOOL,  
FRANCISCAN BROTHERS OF BROOKLYN  
and BROTHER DOMINIC QUIGLEY,

Defendants.

***To the above named defendants:***

**YOU ARE HEREBY SUMMONED** to answer in this action and to serve a copy of an answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff(s)' attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiff designates Queens County as the place of trial.

The basis of the venue is based on the residence of one or more defendants which are located in the County of Queens, New York, New York.

Dated: October 10, 2019

By:

OKUN, ODDO &amp; BABAT, P.C.

David M. Oddo, Esq.

Attorneys for Plaintiff

8 West 38th Street, Suite 1002

New York, New York 10018

(212) 642-0950

File: 12042

***Defendants' addresses:***ST. FRANCIS PREPARATORY SCHOOL c/o Biederman Hoenig Semprevivo, P.C.,  
60 East 42nd Street, Suite 660, New York, NY 10165FRANCISCAN BROTHERS OF BROOKLYN c/o Patrick F. Adams, P.C., 3500 Sunrise  
Highway, Building 300, Great River, NY 11739

BROTHER DOMINIC QUIGLEY, 4 Blount Lane, Savannah, GA 31411

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

“JOHN DOE”,

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ST. FRANCIS PREPATORY SCHOOL,  
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Defendants.

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**VERIFIED COMPLAINT**

Plaintiff, “JOHN DOE”, by his attorneys, OKUN, ODDO & BABAT, P.C., alleges on personal knowledge as to himself and on information and belief as to all other matters, as follows:

**NATURE OF THE ACTION**

1. This is an action to recover damages arising from defendant, DOMINIC QUIGLEY’s sexual molestation of plaintiff, “JOHN DOE”, when the plaintiff was approximately 17 years old.

2. Defendant BROTHER DOMINIC QUIGLEY (hereinafter QUIGLEY) was an educator at ST. FRANCIS PREPATORY SCHOOL. Defendant QUIGLEY sexually molested the plaintiff on school grounds on multiple occasions.

3. The defendants, ST. FRANCIS PREPATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, who employed, supervised and/or directed defendant QUIGLEY, failed to take steps to prevent QUIGLEY from molesting children in his care. Instead, the defendants left a sexual predator to counsel and teach school-age children and took no steps to protect young victims on whom defendant QUIGLEY preyed.

4. Plaintiff now seeks damages from the defendants who are legally responsible for defendant QUIGLEY's actions and who failed properly to supervise and/or direct defendant QUIGLEY.

### **THE PARTIES**

5. Plaintiff, "JOHN DOE", is an individual who resides in the State of New York and County of Queens. At the time of the events complained of, he was a minor residing in Queens.

6. Defendant QUIGLEY is an individual who resides in the State of Georgia.

7. Defendant, FRANCISCAN BROTHERS OF BROOKLYN, is a New York not-for-profit corporation located in Queens County.

8. Defendant, ST. FRANCIS PREPARATORY SCHOOL, is an accredited Catholic High School in the County of Queens, and, at all times relevant herein, is operated by the defendant, FRANCISCAN BROTHERS OF BROOKLYN.

9. Throughout the relevant period, one or more of the defendants were responsible for the hiring, retention, direction and supervision of defendant QUIGLEY, in his role as educator, mentor and counselor for young boys.

### **FACTUAL BACKGROUND**

10. Defendant, FRANCISCAN BROTHERS OF BROOKLYN, at all times relevant herein, operates the ST. FRANCIS PREPARATORY SCHOOL in Queens County, New York. Beginning at some point prior to 2003, the school employed defendant QUIGLEY as an educator.

11. Defendant QUIGLEY's duties and responsibilities included supervising, interacting with teaching, mentoring and counseling students at St. Francis Preparatory School, most of whom were minor boys.

12. In 2003, Defendant QUIGLEY developed an inappropriate relationship with the plaintiff, inducing him as a young child, to look up to him, and to place absolute trust and

confidence in him. Defendant QUIGLEY then abused that position of authority, trust and confidence by molesting the plaintiff.

13. In June of 2003 until June of 2004, defendant QUIGLEY molested the plaintiff, a 17 year old minor, in his private office, in classrooms in the school, and in the rectory of the school where the brothers lived. Defendant molested the plaintiff, forced the plaintiff to fondle the defendant's genitals, fondled the plaintiff's genitals, rubbed his buttocks and penis on the plaintiff's penis.

14. Defendant QUIGLEY was acting within the scope of his employment as an educator, counselor and mentor in soliciting the plaintiff's trust, and in meeting with the plaintiff alone outside the supervision of other adults. Defendant QUIGLEY abused the plaintiff's trust and used such meetings as opportunities to molest the plaintiff.

15. Defendant QUIGLEY was acting within the scope of his employment as a teacher and counselor when he counseled the plaintiff and brought the plaintiff to his office, a classroom and the rectory of the school, during the weekend and in the summer months. Defendant QUIGLEY used these opportunities to molest the plaintiff.

16. The defendants hired and/or appointed defendant QUIGLEY as a mentor and counselor for minor boys. By so hiring or appointing him, the defendants made certain representations about defendant QUIGLEY's character, specifically that he was a role model for minor boys, and an individual to whom minor boys could be safely entrusted. At the time they hired and/or appointed defendant QUIGLEY, and made these representations about his character, the defendants knew, or should have known of his propensity to molest boys and should not have put him in a position of trust and confidence with, and authority over young boys.

17. The defendants retained, supervised and/or directed defendant QUIGLEY in his role as an educator, mentor and counselor for minor boys. By so retaining him, the defendants

made certain representations about defendant QUIGLEY's character, specifically that he was a role model for minor boys and an individual to whom minor boys could be safely entrusted. During the time that they retained defendant QUIGLEY as the educator, and made these representations about his character, the defendants knew, or should have known of QUIGLEY's propensity to molest boys, and, in particular, of his inappropriate relationship with the plaintiff. Rather than taking steps to prevent defendant QUIGLEY from sexually assaulting children, including removing him from a position of trust and confidence with, and authority over, young boys, the defendants instead turned a blind eye while the defendant QUIGLEY repeatedly molested other boys. The defendants failed to direct and/or supervise defendant QUIGLEY in a manner to prevent, or detect his sexual abuse of minor boys, including the plaintiff.

18. As a result of defendant QUIGLEY's sexual abuse, the plaintiff suffered physical, psychological and emotional injury. The plaintiff experienced feelings of guilt, loss of self-respect, shame, embarrassment, sadness, anger, depression, anxiety, alcohol and drug abuse, and confusion resulting from defendant QUIGLEY's abuse. The plaintiff developed lifelong problems with authority, with sex, with developing and maintaining relationships; and with being touched as a result of defendant QUIGLEY's sexual abuse. The plaintiff suffered from nightmares, panic attacks and flashbacks.

### **CAUSES OF ACTION**

#### **FIRST CAUSE OF ACTION:** **BATTERY AGAINST ALL DEFENDANTS**

19. Plaintiff repeats and realleges by reference all preceding paragraphs of this Complaint into this paragraph.

20. In 2003, defendant QUIGLEY molested the plaintiff as described above. Such bodily contact was offensive and was without consent, because the plaintiff was a minor and was incapable of consenting to these acts.

21. At the time defendant QUIGLEY molested the plaintiff, he was employed or appointed by some or all of the defendants as the plaintiff's mentor and counselor. It was part of defendant QUIGLEY's job as role model, counselor, educator, mentor and authority figure, to gain the plaintiff's trust. Defendant QUIGLEY used his position, and the representations made by the defendants about his character that accompanied that position to gain the plaintiff's trust and confidence to create opportunities to be alone with and molest the plaintiff.

22. The defendants, ST. FRANCIS PREPARATORY SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN, are liable for defendant QUIGLEY's molest, including psychological and emotional injury as described above.

23. By reason of the foregoing, the defendants, ST. FRANCIS PREPARATORY SCHOOL, FRANCISCAN BROTHERS OF BROOKLYN and BROTHER DOMINIC QUIGLEY, are liable to the plaintiff for battery in an amount which exceeds the jurisdictional limits of all lower Courts which may have jurisdiction of this matter.

**SECOND CAUSE OF ACTION:**  
**ASSAULT AGAINST ALL DEFENDANTS**

24. Plaintiff repeats and realleges by reference all preceding paragraphs of this Complaint into this paragraph.

25. In 2003, defendant QUIGLEY molested the plaintiff as described above. Such bodily contact placed the plaintiff in imminent apprehension of harmful contact, including apprehension of further sexual contact.

26. At the time defendant QUIGLEY molested the plaintiff, he was employed or appointed by some or all of the defendants as the plaintiff's educator, mentor and counselor. It was part of defendant QUIGLEY's job as a role model, counselor, educator, mentor and authority figure, to gain the plaintiff's trust. Defendant QUIGLEY used his position, and the representations made by the defendants about his character that accompanied that position to gain the plaintiff's

trust and confidence to create opportunities to be alone with and molest the plaintiff.

27. The defendants are liable for defendant QUIGLEY's conduct under the doctrine of *respondeat superior*.

28. The defendants are liable for defendant QUIGLEY's offensive bodily contact, including psychological and emotional injury as described above.

29. By reason of the foregoing, the defendants, ST. FRANCIS PREPATORY SCHOOL, FRANCISCAN BROTHERS OF BROOKLYN and BROTHER DOMINIC QUIGLEY, are liable to the plaintiff for assault in an amount which exceeds the jurisdictional limits of all lower Courts which may have jurisdiction of this matter.

**THIRD CAUSE OF ACTION:**  
**NEGLIGENT HIRING AGAINST DEFENDANTS, ST. FRANCIS PREPATORY**  
**SCHOOL and FRANCISCAN BROTHERS OF BROOKLYN**

30. Plaintiff repeats and realleges by reference all preceding paragraphs of this Complaint into this paragraph.

31. Defendant QUIGLEY was hired as an educator, mentor and counselor by defendants.

32. The positions for which defendant QUIGLEY was hired required him to work closely with, mentor and counsel young boys.

33. The defendants were negligent in hiring defendant QUIGLEY because they knew, or if they did not know, they should have known of his propensity to develop inappropriate relationships with boys in his charge and to engage in sexual behavior and lewd and lascivious conduct with such boys.

34. The defendant FRANCISCAN BROTHERS OF BROOKLYN, relocated defendant QUIGLEY for the sole purpose of concealing the sexual molestation of children.

35. The defendants intentionally deceived the students and parents of St. Francis

Preparatory Community and facilitated and enabled defendant QUIGLEY to continue to sexually molest children.

36. The defendants demonstrated a reckless disregard by allowing Defendant QUIGLEY to be employed as an educator with a known pattern of deviant behavior.

37. Defendant QUIGLEY would not and could not have been in a position to sexually abuse the plaintiff had he not been hired by the defendants to be the educator, and mentor and counsel boys in the school, including the plaintiff.

38. The plaintiff suffered injury as a result of defendant QUIGLEY's sexual molestation, including psychological and emotional injury as described above.

39. By reason of the foregoing, the defendants are liable to the plaintiff for their negligent hiring of defendant QUIGLEY in an amount which exceeds the jurisdictional limits of all lower Courts which may have jurisdiction of this matter.

**FOURTH CAUSE OF ACTION:**  
**NEGLIGENT RETENTION, SUPERVISION AND/OR DIRECTION**  
**AGAINST DEFENDANTS, ST. FRANCIS PREPARATORY SCHOOL AND**  
**FRANCISCAN BROTHERS OF BROOKLYN**

40. Plaintiff repeats and realleges by reference all preceding paragraphs of this Complaint into this paragraph.

41. At all times while defendant QUIGLEY was employed or appointed by the various defendants, he was supervised by, under the direction of, and/or answerable to, the various defendants and/or their agents and employees.

42. The defendants were negligent in their direction and/or supervision of defendant QUIGLEY in that they knew, or reasonably should have known, of his propensity to develop inappropriate relationships with boys under his charge and to engage in sexual behavior and lewd and lascivious conduct with such boys, yet they failed to take steps to prevent such conduct from occurring.



43. The defendants were negligent in their retention of defendant QUIGLEY in that they knew, or reasonably should have known, of his propensity to develop inappropriate relationships with boys under his charge and to engage in sexual behavior and lewd and lascivious conduct with such boys, yet they retained him in his position as educator and counselor to such boys and thus left him in a position to continue such behavior.

44. The defendants were further negligent in their retention, supervision and/or direction of defendant QUIGLEY, in that he molested the plaintiff on the premises of one or more defendants. The defendants failed to take reasonable steps to prevent such events from occurring on and off their premises.

45. Defendant QUIGLEY would not and could not have been in a position to sexually abuse the plaintiff had he not been negligently retained, supervised and/or directed by the defendants as educator, mentor and counselor to the boys, including the plaintiff.

46. The plaintiff suffered injury as a result of defendant QUIGLEY's sexual molestation, including psychological and emotional injury as described above.

47. By reason of the foregoing, the defendants are liable to the plaintiff for their negligent retention, supervision and/or direction of defendant QUIGLEY in an amount which exceeds the jurisdictional limits of all lower Courts which may have jurisdiction of this matter.

**FIFTH CAUSE OF ACTION:**  
**INTENTIONAL INFLICTION OF EMOTIONAL**  
**DISTRESS AGAINST ALL DEFENDANTS**

48. Plaintiff repeats and realleges by reference all preceding paragraphs of this Complaint into this paragraph.

49. The sexual molestation of the plaintiff by defendant QUIGLEY when the plaintiff was a minor was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

50. The defendants knew or disregarded the substantial probability that defendant QUIGLEY's conduct would cause severe emotional distress to the plaintiff.

51. The plaintiff suffered severe emotional distress including psychological and emotional injury as described above. This distress was caused by defendant QUIGLEY's sexual abuse of the plaintiff.

52. At the time defendant QUIGLEY molested the plaintiff, which defendant knew would cause, or disregarded the substantial probability that it would cause severe emotional distress, defendant QUIGLEY was employed as the plaintiff's educator, mentor and counselor by some or all of the defendants. It was part of defendant QUIGLEY's job as a role model and educator to gain the plaintiff's trust. Defendant QUIGLEY used his position of authority and the representations made by the defendants about his character that accompanied that position, to gain the plaintiff's trust and confidence access to and to create opportunities to be alone with and molest the plaintiff.

53. The defendants are liable for defendant QUIGLEY's conduct under the doctrine of *respondeat superior*.

54. By reason of the foregoing, the defendants are liable to the plaintiff for intentional infliction of emotional distress in an amount which exceeds the jurisdictional limits of all lower Courts which may have jurisdiction of this matter.

**SIXTH CAUSE OF ACTION:**  
**NEGLIGENT INFLICTION OF EMOTIONAL**  
**DISTRESS AGAINST ALL DEFENDANTS**

55. Plaintiff repeats and realleges by reference all preceding paragraphs of this Complaint into this paragraph.

56. The defendants owed a duty to the plaintiff because he was a minor entrusted to their care, and because the defendants, through their hiring and/or appointment, and their retention

of defendant QUIGLEY, represented that defendant QUIGLEY was a role model for minor boys and/or an individual to whom minor boys could be safely entrusted.

57. The defendants breached their duty to the plaintiff by negligently hiring, appointing, retaining, supervising and/or directing defendant QUIGLEY, and in failing to protect the plaintiff from a sexual predator.

58. The plaintiff suffered severe emotional distress including psychological and emotional injury by the defendant QUIGLEY's sexual assault.

59. In addition to their own direct liability for negligently inflicting emotional distress on the plaintiff, the defendants are also liable for defendant QUIGLEY's negligent infliction of emotional distress under the doctrine of *respondeat superior*. At the time defendant QUIGLEY breached his duty to the plaintiff, he was employed as the plaintiff's educator, mentor and counselor by some or all of the defendants. It was part of defendant QUIGLEY's job as role model, authority figure and educator to gain the plaintiff's trust. Defendant QUIGLEY used his position, and the representations made by the defendants about his character that accompanied that position, to gain the plaintiff's trust and confidence and to create opportunities to be alone with and touch the plaintiff.

60. By reason of the foregoing, the defendants are liable to the plaintiff for negligent infliction of emotional distress in an amount which exceeds the jurisdictional limits of all lower Courts which may have jurisdiction of this matter.

### **JURY DEMAND**

61. Plaintiff demands a trial by jury of all issues triable by jury in this action.

WHEREFORE, plaintiff prays for judgment as follows:

A. Awarding compensatory damages in an amount sufficient to compensate plaintiff for his injuries;

B. Awarding plaintiff costs, disbursements and attorneys fees to the extent available  
by law; and

C. Awarding such other and further relief as this Court may deem just and proper.

Dated: October 10, 2019

By: 

OKUN, ODDO & BABAT, P.C.

David M. Oddo, Esq.  
Attorneys for Plaintiff  
8 West 38<sup>th</sup> Street, Suite 1002  
New York, New York 10018  
(212) 642-0950  
File: 12042

SUPREME COURT OF THE STATE OF NEW YORK  
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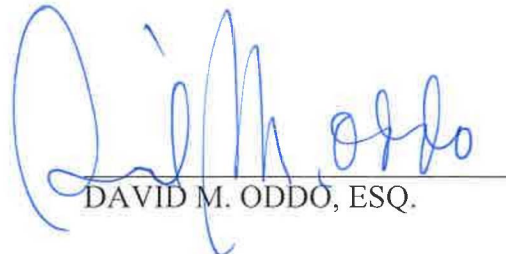
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VERIFICATIONSTATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF NEW YORK    )

The undersigned, an attorney admitted to practice in the Courts of the State of New York, hereby affirms under the penalties of perjury as follows:

That affirmant is the attorney for the plaintiff in the within action; that affirmant has read the foregoing COMPLAINT and knows the contents thereof; that the same is true to affirmant's knowledge, except the matters stated to be alleged on information and belief, and that those matters affirmant believes to be true. The reason this verification is made by affirmant and not by the plaintiff is that the plaintiff does not reside in the County in which affirmant maintains an office. The grounds of belief as to all matters not stated upon affirmant's knowledge are documents, correspondence and records maintained in affirmant's files and conversations and conferences had with the plaintiff.

Dated: New York, New York  
October 10, 2019

  
\_\_\_\_\_  
DAVID M. ODDO, ESQ.

Index No: 713970/2019

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Defendants.

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**SUMMONS AND VERIFIED COMPLAINT**

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**OKUN, ODDO & BABAT, P.C.**  
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